

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:12-CV-485-FL

ROSE P. SANTITORO,

Plaintiff,

v.

DOLLAR TREE STORES, INC. a/k/a
DOLLAR TREE CORPORATION,

Defendant.

)
)
)
)
)
)
)
)
)
)

ORDER

This matter came before the court on November 20, 2012, for hearing on defendant's motion to strike and motion to dismiss in part (DE #13). At said hearing, plaintiff withdrew her claim based upon intentional infliction of emotional distress, and plaintiff confirmed that her only federal claim is a claim for retaliatory discharge under the Age Discrimination in Employment Act (ADEA). Accordingly, the court DISMISSES plaintiff's claim based upon intentional infliction of emotional distress, and, to the extent plaintiff originally asserted in her complaint a claim of age discrimination under the ADEA, in light of plaintiff's representations at hearing, the court DISMISSES plaintiff's claim of age discrimination under the ADEA. Further, as noted at hearing, where the court takes under advisement the remainder of defendant's motion to strike and motion to dismiss, defendant moved orally for a stay of further case activity pending the court's ruling on the motion to strike and motion to dismiss. The clerk is DIRECTED to note this oral motion on the docket and, for good cause shown, to promote efficient progression of the case pursuant to Federal Rule of Civil Procedure 1, the motion to stay is GRANTED.

So ordered this the 20th day of November, 2012.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive style with a large initial "L".

LOUISE W. FLANAGAN
United States District Judge